

Title:	Workers' Compensation	
Purpose:	To establish responsibilities and procedures for the administration of the City and County of Honolulu workers' compensation program.	
Issued by:	Industrial Safety and Workers' Compensation	Date: February 15, 2005
References:	Hawaii Revised Statutes (HRS) Chapter 386; CS Circulars 1294 (6-19-81) and 26-87 (12-1-87)	

I. POLICY

All employees of the City and County of Honolulu (City) are entitled to workers' compensation benefits for work related injuries or illnesses as provided under the State of Hawaii Workers' Compensation Law and related administrative rules. The Department of Human Resources (DHR) administers workers' compensation for the City.

II. RESPONSIBILITIES AND PROCEDURES

A. Employee

1. Report to supervisor as soon as possible each work related injury or illness or recurrence of an injury or illness sustained while working for the City. Reports shall be made to supervisor in person or by telephone.
2. Complete and sign the Report of Industrial Injury or Illness (DHR-ISWC-1), with assistance of the supervisor, as required. At the employee's option, the employee may complete Part I of the report and submit it directly to the DHR Workers' Compensation Branch.
3. Seek appropriate medical attention and advise the treating physician that medical reports are to be sent to the Department of Human Resources, Workers' Compensation Branch, 550 South King Street, Honolulu, 96813.
4. Report injury status and provide an expected return to work date to the supervisor on a regular basis. Failure to keep the operating department informed could result in dismissal for job abandonment.
5. Notify supervisor within one working day after being cleared to return to full duty by treating physician.
6. Notify the supervisor when cleared for limited duty and request instructions.
7. Complete leave application for the period of lost-time (temporary total disability) on the day employee returns to work.
8. Notify the supervisor when a personal injury damage suit may be filed against third parties. Settlements cannot be made without City approval.

B. Supervisor

1. Ensure that the injured employee receives prompt medical attention.
2. Report the incident to the DHR Workers' Compensation Branch by telephone (523-4971) in case of loss of life, injury to three or more persons requiring inpatient hospitalization, or property damage in excess of \$25,000.
3. Assist the employee in completing the Report of Industrial Injury or Illness (DHR-ISWC-1). Review the report with the employee and have the employee sign the report in the appropriate space. Forward the report to the Department of Human Resources as soon as possible. If the employee had lost time, an Election of Compensation for Industrial Illness or Injury (DHR-ISWC-2) form should be submitted with this report.

Note: Part I of the Report of Industrial Injury or Illness may be completed by the employee and submitted directly to the DHR Workers' Compensation Branch, if an employee so chooses.

4. Notify the DHR Workers' Compensation Branch whenever a subordinate employee is cleared for limited or modified duty.
5. Notify department head of a subordinate employee's personal injury law suit(s).
6. Ensure that leave applications are submitted after the injured employee returns to work.
7. Notify the DHR Workers' Compensation Branch when an employee returns to work.
8. Participate in workers' compensation hearings at the request of the DHR Workers' Compensation Branch.

C. Appointing Authority or Delegated Representative

1. Ensure that work injuries sustained by employees within your department are promptly and fully investigated and reported in accordance with instructions on forms issued by the DHR.
2. Inform the DHR Workers' Compensation Branch of any complaint or request by the injured employee regarding the administration or handling of their workers' compensation claim.
3. Place employees cleared for limited or modified duty in work determined suitable by a competent medical authority. If no such work is available in the department, notify the DHR Workers' Compensation Branch so that other limited or modified duty can be located for the employee within the City. If disability is permanent in nature, cooperate with the DHR policy on Retention, Rehabilitation and Placement of Industrially Injured Employees (Chapter XII-3).

4. Participate in workers' compensation hearings at the request of the DHR Workers' Compensation Branch.

D. Health Services Division

1. Consult with Corporation Counsel, operating departments and DHR Workers' Compensation Branch, on all cases where compensability is an issue, as requested.
2. Advise the DHR Workers' Compensation Branch on matters of medical management of workers' compensation claims, as requested.
3. Conduct independent medical evaluation and/or fitness for duty evaluation of claimants on request of the DHR Workers' Compensation Branch and/or the operating departments.
4. Attend, assist and testify at workers' compensation hearings as requested by the DHR Workers' Compensation Branch.

E. Corporation Counsel

1. Represent the City on appealed cases before the State of Hawaii Labor and Industrial Relations Appeals Board and Supreme Court and attend other hearings as requested by the DHR Workers' Compensation Branch.
2. Assist the DHR Workers' Compensation Branch in the investigation of any suspected fraudulent claims.
3. Assist and advise the DHR Workers' Compensation Branch on third party subrogations, compromise settlements and other related legal matters.
4. Provide copies of all stipulation and settlement agreements relative to workers' compensation matters to the DHR Workers' Compensation Branch, and operating departments when appropriate.

F. Industrial Safety and Workers' Compensation Division

1. Administer the City's Workers' Compensation Program to comply with the Hawaii Workers' Compensation Law and related administrative rules to include providing instructions, forms and procedures for the reporting of all injuries and illnesses arising out of and in the course of City employment.
2. Advise City employees, managers and supervisors of the laws, rules and regulations governing the administration of workers' compensation for the City.
3. Determine compensability of each claim for benefits, including employee eligibility for Act 64 benefits. [Ref: Legislature 1963, Act 64; Legislature 2000, Act 253; §78-24 HRS]
4. Conduct administrative review of Act 64 denials upon request.

5. Review forms submitted by the employee, immediate supervisor, department head and physicians for completeness and compliance with laws, rules and regulations.
6. Prepare and/or request the proper forms and process the necessary documents to expedite the filing of employee claims including maintaining proper reviews, controls and investigations to prevent improper payments.
7. Represent the City at first level workers' compensation hearings.
8. Review, check and voucher payments of all bills and compensation awards. Certify workers' compensation payments and benefits.
9. Negotiate settlements, with assistance as necessary from Corporation Counsel, with respect to third party subrogation, appeals, compromises and/or permanent disability awards.
10. Assist in the placement of disabled employees where appropriate work is not available in the claimant's department. If the disability is permanent in nature and employee is unable to return to the employee's original position, follow the DHR policy on Retention, Rehabilitation and Placement of Industrially Injured employees (Chapter XII-3).
11. Prepare employer's first, supplementary and final reports.
12. Provide status of workers' compensation claims to operating departments on request.